IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.NO.7558 OF 1995
DATED 18-1-2007

BETWEEN
V.Ramachandraiah and 14 others.

.. PETITIONERS

And

Executive Officer,
Tirumala Tirupathi Devasthanams,
Tirupathi and another.

…RESPONDENTS

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.7558 of 1995

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not fixing the scales of pay of the petitioners at Rs.780-1275 on par with Food Packet Sellers/Servers as illegal, arbitrary and violative of Articles, 14, 16, and 39 (d) of the Constitution of India and consequently to direct the respondents to fix the pay scale of the petitioners at Rs.780-1275 with effect from 30.10.1990.

Admittedly, all the petitioners are working as cleaners/helpers in the canteen of Tirumala Tirupathi Devasthanam (TTD) at Tirumala. According to the petitioners, along with them, some other persons were also appointed as Food Packet Sellers on N.M.R basis and were working along with them. They were appointed for the purpose of selling food packets prepared by T.T.D. Canteen in Tirumala to the pilgrims in the queue complex and they stopped doing the said work as the TTD has entrusted the said job to some other persons on commission basis. Consequently, the said persons who were appointed as food packet sellers were discharging the duties and responsibilities of the post of servers and their pay scale has been fixed at Rs.780-1275 whereas the petitioners, who were similarly situated as that of the Food Packet Sellers and Servers have been put in the time scale of pay of Rs.740-1150. This, according to the petitioners is arbitrary and illegal. The petitioners also state that they are entitled for equal pay for equal work and also for the pay scale on par with the food packet sellers/servers.

A detailed counter affidavit has been filed on behalf of the respondents asserting that the petitioners are discharging the duties attached to the post of a Cleaner. It is also stated that the TTD is giving promotions to the staff working in its canteens from lower cadre

to higher cadre i.e. from Helper and Cleaner to Server, Server to Canteen Catering Supervisor and Catering Supervisor to Assistant Catering Officer as per seniority, length of service and qualifications. Therefore, the request of the petitioners for appointment as Servers can be considered only in accordance with seniority and as per the vacancies that may arise from time to time. It is further stated that the petitioners are not entitled for fixation of their pay scale on par with food packet sellers/servers at Rs.780-1275 and that they are entitled to the pay scale of Rs.740-1150 only.

Heard both sides.

Admittedly, the cadre of Helper/Cleaner is altogether different from that of Server/Food Packer Seller. The service rules of Tirumala Tirupathi Devasthanams were placed before this Court to show that the post of Server/Food Packet Seller is a higher post and the post of cleaner/helper is a feeder post for promotion to the post of Server. Therefore, the petitioners are not entitled for the pay sales on par with the food packet sellers and they cannot compare themselves with that of the food packet sellers for the purpose of pay scales. May be, the petitioners are entitled for promotion to the post of food packet sellers/servers as per their seniority and qualifications held by them as per the vacancy position.

In view of the above, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, it is dismissed. No costs.

C.V.RAMULU,J

Dated 18.1.2007
msv